

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, April 9, 2008
Columbia, South Carolina
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MEMBERS PRESENT

Derrick Williams
Al Bailey
Caleb Davis
Tim Roberts
Frank Clark
Byran Dowd

STAFF PRESENT

Sheridon Spoon, Deputy General Counsel
Jamie Saxon, Hearing Advisor
Stan Bowen, Administrator
Cantrell Frayer, Staff Attorney
Patrice Deas, Administrative Assistant
Faye Grainger, Court Reporter
Angela Scott, Administrative Assistant
Joseph N. Connell, Staff Attorney
Christa Bell, Staff Attorney
Charlie Ido, Office of Investigation
Lynn Rogers, Office of Investigation

OTHERS PRESENT

Heath Taylor, Esquire
Ronald Carter
Steve Murdaugh
Herbert Moore
Pamela Heinzburg
Zandra McFadden

Michael Squirewell
Jamie Carter
Linda Ford
Faela Maney
Chris Weiner

Valerie Squirewell
Thomas M. Weiner
Richard Willis
Lawrence Melton
Roderick McFadden

Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act. A quorum was present at all times.

Call to Order

On Wednesday, April 9, 2008, Chairman Derrick Williams called the meeting to order at approximately 11:00 a.m.

Approval of Agenda

Chairman Williams called for the approval of the agenda as previously noticed. After review, Mr. Clark made a motion, seconded by Mr. Dowd, to approve the agenda, and with all members' present voting favorably, the motion carried.

Approval of Minutes

Chairman Williams called for the review and approval of the February 13, 2008, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Roberts, to approve minutes. With all members' present voting favorably, the motion carried.

Excused Members

Chairman Williams informed the Commission that Mrs. Gail Crawford was not able to attend the meeting. Mr. Davis made a motion, seconded by Mr. Bailey, to excuse members' absences, and with all members present voting favorably, the motion carried.

Old Business

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None

New Business

Ethics Commission

Mr. Stan Bowen reminded the Commissioners to complete and mail the State Ethics Commission forms by April 15, 2008.

Recommendation of Investigation Review Committee

Chairman Williams called for the review and approval of the recommendations of the Investigative Review Committee. After review, Mr. Bailey made a motion, seconded by Mr. Roberts, to approve the recommendations of the Investigative Review Committee, and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations For Bond Claim

Motion: Mr. Bailey moved to approve the recommendations of the Administrative Hearing Officer, for the bond hearing on behalf of Mr. David Blackmon. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations for Citations

Mr. Daniel Henry

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Daniel Henry. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Doyan Anderson

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Doyan Anderson. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Frank Schwartz

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Frank Schwartz. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Timothy Silcox

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Timothy Silcox. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Robert A. Schweikart

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Robert Schweikart. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Harold Bishop, Jr.

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The Commission reviewed the Hearing Officer recommendation for citation against Mr. Harold Bishop. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Terry Gamble

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Terry Gamble. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. David Floyd, Sr.

The Commission reviewed the Hearing Officer recommendation for citation against Mr. David Floyd. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Jimmy Garvin

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Jimmy Garvin. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Kristopher Jarreau

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Kristopher Jarreau. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Gary Smith

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Gary Smith. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Randy Caldwell

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Randy Caldwell. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Application Review

Mr. Ronald Carter – The Commission reviewed Mr. Carter's Residential Builder's Electrical Application. Mr. Carter was sworn in by Mrs. Faye Grainger. Mr. Carter waived his right to counsel. Mr. Bowen informed the Commission that Mr. Carter was present to ask the Commission to accept his work experience that he submitted on his residential builder's electrical application.

Mr. Carter testified that he currently working at Home Depot in the electrical department. His main job requirement is to answer customers' electrical questions. Recently he was offered a position in the company that requires an electrical license and he is asking the Commission to grant him permission to take the Electrical Examination.

Motion: Mr. Davis moved to approve for Mr. Carter to sit for the Residential Builder's Electrical

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Examination. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Paul Long – The Commission reviewed Mr. Long’s Residential Builder’s Plumbing Application. Mr. Long was sworn in by Mrs. Faye Grainger. Mr. Long waived his right to counsel. Mr. Bowen informed the Commission that Mr. Long answered “yes” that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Long testified that he was convicted in 2006, for criminal domestic violence. He has been in the business for approximately 6 years and is trying to make an honest living. He apologized to the Commission and requested that they grant him the opportunity to take the Residential Builder’s Plumbing Examination.

Motion: Mrs. Davis moved to approve for Mr. Long to sit for the Residential Builder’s Plumbing Examination. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

Mr. Christopher J. Weiner – The Commission reviewed Mr. Weiner Residential Plumbing Application. Mr. Weiner was sworn in by Mrs. Faye Grainger. Mr. Weiner waived his right to counsel. Mr. Bowen informed the Commission that Mr. Weiner answered “yes” that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Weiner testified that he was convicted of domestic violence approximately eight or nine years ago. During that time he had some marital and alcohol problems. He has been married for approximately 25 years and those days are behind him. He apologized to the Commission and asked them to grant him permission to take the Plumbing Examination.

Motion: Mrs. Davis moved to approve for Mr. Weiner to sit for the Residential Builder’s Plumbing Examination, with 10,000.00 statutory bond. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

Reinstatement

Mr. Thomas M. Kinard - The commission reviewed Mr. Kinard’s Residential Electrical Application. Mr. Kinard, Mr. Steve Murdaugh, and Mr. James Carter were sworn in by Mrs. Faye Grainger. Mr. Kinard waived his right to counsel. Mr. Bowen informed the Commission that Mr. Kinard was present to request that his electrical license reinstated. .

Mr. Kinard testified that in 2004 he moved and during that time his renewal application was mailed to his old address. He is not absolutely sure that he did not receive the renewal application, but can honestly say that his failure to submit the application and pay the fee was an honest oversight. He apologized to the Commission and asked them to reinstate his license.

Motion: Mr. Bailey moved to grant to Mr. Kinard’s Residential Electrical License. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Memorandum of Agreement

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Mr. Jamie Saxon was the hearing advisor.

Mr. Michael Squirewell – The commission reviewed the Memorandum of Agreement for Mr. Michael Squirewell. Mr. Squirewell was represented by Mr. Heath P. Taylor, Esquire. Mr. Joe Cornell represented the South Carolina Residential Builders Commission.

Mr. Bailey made a motion to go into executive session. Mr. Dowd seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Bailey made a motion to come out of executive session. Mr. Dowd seconded the motion, and with all members present voting favorably, the motion carried. Chairman Williams stated no action was taken in executive session. Mr. Frank Clark asked to be recused because of prior business afflictions.

Mr. Cornell advised that on November 27, 2007, Mr. Squirewell entered into Memorandum of Agreement with the following parties: Mr. Linda Ford, Ms. Maggie Jackson, Mr. Stanley Hunter and Mr. Richard Willis. There are structural and electrical issues in all the complaints and the State recommends that Mr. Squirewell license be revoked with a minimum of 45 days to have the repairs done and afterwards a suspension.

Mr. Taylor advised that he has represented Mr. Squirewell for a number of years. He concurred with Mr. Cornell that Mr. Squirewell did in fact entered into Memorandum of Agreements. Mr. Squirewell's office help was out maternity leave and the responses to the complaints were not sent out. After realizing that the responses were not sent, Mr. Squirewell contacted Mr. Steven Deer, Investigator for LLR, to see what he could do to resolve the issues. He apologized on behalf of Mr. Squirewell for not responding immediately to the complaints it was an oversight. He asked the Commission to give the least of the sanctions and asked that another investigator be assigned to Mr. Squirewell's cases.

Ms. Linda Ford and Mr. Richard Willis both stated that they were not satisfied with the work that was being performed on their homes and stated how Mr. Squirewell has inconvenienced their families.

Mr. Bailey made a motion to go into executive session. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried. Mr. Bailey made a motion seconded by Mr. Roberts to come out of executive session. Chairman Williams stated no action was taken during executive session.

Motion:

Mr. Bailey made a motion to give Mr. Squirewell 45 days to have all work completed to the satisfactions of the Commission, if the work is not done within 45 days Mr. Squirewell's license will be revoke and he will have to pay a \$10,000.00 fine. Mr. Squirewell is to contact the Commission once the work is completed to get a re-inspection. Mr. Davis seconded the motion, and with all members present voting favorably the motion carried

Hearing Officer's Recommendation

Mr. William Hughes – This matter was heard before John Curl, Administrative Hearing Officer, on January 14, 2007, (2007-0183). Mr. Curl's recommendation was as follows:

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1. The Respondent shall pay a fine of Five Thousand Dollars.
2. The Respondent shall be given forty-five days from the date the order was received to conform with the items specified in the inspector's report, with the exception of item two (2) ("b" in paragraph three of the Finds of Fact) concerning caulking.
3. If the items referenced in the order are not brought into compliance with the applicable building codes and standards workmanship within forty-five days from receipt of the order, the Respondent's license to engage in the practice of residential building shall be automatically and immediately suspended except that the Respondent may complete all work concerning the items identified in the inspection report and, if any, those projects already in progress, as specifically identified by the Respondent in writing to the Commission within twenty-four hours of notice of the order.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. William Hughes (2007-183). Mr. Dowd seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Herbert Moore – The Commission reviewed the Hearing Officer's Mr. John Curl recommendation for Mr. Herbert Moore. Mr. Moore was represented by Mr. Lawrence C. Melton, Esquire. Ms. Christa Bell represented LLR.

Ms. Bell advised that this matter was heard before Mr. John Curl, Hearing Officer on January 23, 2008. The respondent had violated the law and asked the Commission to uphold the Hearing Officer's Recommendation.

Mr. Melton advised that Mr. Moore was an upstanding citizen and has been licensed for approximately seventeen years. He stated that there were some discrepancies with the Hearing Officer's recommendation. There was never a contract for Five Thousand Dollars and admitted that there was some poor contracting practices done. This case will be coming up in Magistrate Court in June 2008.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Mr. Herbert Moore (2007-522). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. David Greene, Jr. – This matter was heard before John Curl, Administrative Hearing Officer, on January 31, 2008, (2006-457). Mr. Curl's recommendation was as follows:

1. The Respondent's license is revoked.
2. The Respondent shall pay a fine of Ten Thousand Dollars.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. David Greene (2006-457). Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Mr. David Greene, Jr. – This matter was heard before John Curl, Administrative Hearing Officer, on February 14, 2008, (2006-16). Mr. Curl's recommendation was as follows:

1. The Respondent's license is revoked.

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2. The Respondent shall pay a fine of Ten Thousand Dollars.
3. A Cease and Desist is hereby issued to the Respondent.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. David Greene (2006-457) & (2006-16). Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Public Comments

None

Date of Next Meeting – Wednesday, May 14, 2008.

Adjournment - There being no other business the meeting was adjourned at 1:45 p.m.